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APR 30 2008

PATENT

Atty Docket No.: 200308756-02
App. Ser. No.: 10/840,221REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

By virtue of the amendments above, Claims 1-4 and 7-19 have been amended. Further, Claims 5 and 6 have been canceled without prejudice or disclaimer of the subject matter contained therein. Accordingly, Claims 1-4 and 7-19 are pending in the present application, of which Claims 1, 2, 9, 12-14, 16, and 17 are independent.

No new matter has been introduced by way of the claim amendments; entry thereof is therefore respectfully requested.

Drawings

The indication that the drawings filed on May 7, 2004 have been accepted is noted with appreciation.

Claim Rejections under 35 U.S.C. §101

A claim that recites a specific electronic structural element which imparts a physical organization on information that is stored in memory is a claim that recites functionally-descriptive statutory subject matter. See In re Lowry, 32 F.3d, 1579, 1583-84 (Fed. Cir. 1994).

Claims 16 and 17

Claims 16 and 17 have been rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claim 16, as amended, recites, *inter alia*:

PATENT

Atty Docket No.: 200308756-02
App. Ser. No.: 10/840,221

A computer readable storage medium on which is stored a data structure used to display, on a terminal apparatus, a written estimate of a system in which a plurality of components are combined based on (a) component diagram data, used to draw a drawing, stored on a component diagram database and (b) price data having price information of the respective components stored on a component arrangement information and estimate information database, the data structure being in a computer and comprising:

drawing information of the system which has been used to generate a bitmap object based on (c) component arrangement information for the configuration of the components on the drawing and (d) the component diagram data stored on the component diagram database;

cost estimate information of the system which has been generated based on said component configuration and said price data stored on the component arrangement information and estimate information database...

Further, Claim 17, as amended, recites, *inter alia*:

A computer readable storage medium on which is stored a data structure used to display a written estimate of a system on a terminal apparatus, said data structure being in a computer and comprising:

drawing information of the system including a bitmap object comprising a component configuration based on component diagram data, price data, and component arrangement information; wherein a component diagram database stores (1) said component diagram data... stores (2) said price data, and (3) said component arrangement information...

cost estimate information of the system including costs of said component configuration and said price data.

Although the Official Action asserts on page 1 that the claimed data structure "does not define . . . a physical or logical relationship among data elements," the assertion is only conclusory as the Official Action does not discuss any of the claimed features. The Applicants believe that each claim does recite a logical relationship between claimed data elements. For instance, each claim includes the feature "data structure" and therefore each claim *per se* recites a "specific electronic structural element." Second, each claim recites that the features that "component diagram data" and "component arrangement information" are stored in memory (*i.e.*, a database); therefore each claim recites "information that is stored in

PATENT

Atty Docket No.: 200308756-02

App. Ser. No.: 10/840,221

memory.” Third, each claim “imparts a physical organization on information stored in memory” because, for instance, each claim includes the feature that a “bitmap” is based on “component diagram data” and “price data” stored in memory. For at least these reasons, the Applicants respectfully submit that claims 16 and 17 recite functional descriptive material. See Lowry at 1583-84.

In addition, MPEP §2106.01, Rev. 6, Sept. 2007 (Manual of Patent Examination Procedure), discusses when a data structure is statutory. MPEP §2106.01 explicitly defines the term “data structure” as being *per se* functionally-descriptive, “a data structure is a physical or logical relationship among data elements” (Original punctuation omitted, emphasis added.) *Id.* Moreover, MPEP §2106.01 provides, “when functional description material is recorded on some computer readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory” *Id.* Also, a claim to a “specific data structure stored in memory [is to be] held statutory.” *Id.*, citing In re Warmerdam, 33 F.3d 1354, 1360-61 (Fed. Cir. 1994).

Based at least upon the discussion above, a data structure is statutory when it is stored on memory. Therefore, although the Official Action suggests on page 1 that a claim which does not explicitly recite executable instructions is *per se* nonstatutory, the Applicants respectfully submit that it would be in error to maintain such a position due to the foregoing reasons.

Accordingly, the Applicants submit that Claims 16 and 17 are directed to statutory subject matter and therefore the Examiner is respectfully requested to withdraw the rejection of independent Claims 16 and 17.

PATENT

Atty Docket No.: 200308756-02
App. Ser. No.: 10/840,221

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in KSR International Co. v. Teleflex Inc., 550 U.S. ___, 82 USPQ2d 1385 (2007):

Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented." Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP § 2143.03, Rev. 6, Sept. 2007, to ascertain any differences between the prior art and the claims at issue, "[all] claim limitations must be considered" because "all words in a claim must be considered in judging the patentability of that claim against the prior art." See *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). According to the "Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103" in view of KSR International Co. v. Teleflex Inc., found at Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the Graham factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) "Obvious to try"—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the

PATENT

Amv Docket No.: 200308756-02
App. Scr. No.: 10/840,221

prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S., 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006), "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness."

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fail to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claim 1

Independent Claim 1 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2003/0172003 to Holbrook et al. in view of U.S. Patent 6,882,980 to Schuller, and Official Notice. This rejection is respectfully traversed for at least the following reasons.

Independent Claim 1 of the present invention, as amended, pertains to a system for drawing a system having a 'plurality of components.' The system for drawing includes a 'merchandise information provider terminal,' a 'component arrangement information and estimate information database' on which is stored 'component arrangement information,' a physically separate 'component diagram database' on which is stored a 'drawing-function component diagram,' a 'database server,' and a 'web and application server.' Furthermore, independent Claim 1 has been amended to include that the claimed 'component arrangement information' comprises "coordinates of a component of the plurality of components, the size and scale of the components of the drawing, an image frame, and a dimensional line."

PATENT

Atty Docket No.: 200308756-02
App. Ser. No.: 10/840,221

Support can be found in the originally filed dependent Claim 6 and in paragraph [0023] of the published Specification. Similarly, independent Claim 1 has been amended such that the 'drawing-function-component diagram' comprises an "arrangement of components, drawing of dimension lines, and [an] arrangement of image frames in the drawing." Support can be found, for instance, in paragraphs [0050], [0051], and [0058] of the published Specification.

By having separate databases for the 'drawing-functional component diagram' and the 'component arrangement information,' separate 'program portions' having 'data about components within a drawing' are separated from 'other portions of the program.' As discussed in paragraph [0020] of the published Specification, the separation of 'program portions' in this manner generally "reduces program changes caused by changes in the component data" and improves cost efficiency. In addition, separation of the 'program portions' enables the use of relatively less expensive PC servers as opposed to high-end servers equipped with high-speed processors when the 'program portions' are combined.

With reference now to Holbrook et al., there is disclosed a method and a system for designing a configuration of furniture through use of a computer software tool that includes a single database only, database 106. The database 106 includes a description, price, technical specification, etc., for the modular furniture components. See, e.g., paragraph [0005] of the Holbrook et al. disclosure. Database 106 stores pre-formed graphical images of modular furniture. The user may click and drag these pre-formed graphical images to make a custom configuration of furniture. The tool also provides users with the ability to design a configuration of furniture and the tool automatically provides a report that includes the total cost, a parts list, an order form, etc., from the design. [0005] As shown in Figure 1 of Holbrook et al., only a single server 104 is configured to perform the functions of the above-

PATENT

Atty Docket No.: 200308756-02
App. Ser. No.: 10/840,221

discussed tool and to access the sole database 106 in performing those functions. As such, Holbrook et al. specifically only discloses a single server 104 and a single database 106. Essentially, the Holbrook et al. system of clicking and dragging pre-drawn graphics is prior art or that which Applicants discuss in paragraph [0007] of their printed publication.

The Official Action acknowledges that Holbrook et al. fails to disclose a 'database server' distinct from a 'web and application server,' such that the 'web and application server' receives 'component arrangement information' corresponding to a received condition from the 'database server.' In addition, the Official Action acknowledges that Holbrook et al. fails to disclose storing the 'drawing-functional diagram' in a physically separate 'component diagram database.' In an effort to partially make up for this deficiency in Holbrook et al., the Official Action takes Official Notice that database servers are known, and that Holbrook et al. discloses, in paragraph 29 that "[t]he invention can also be practiced in distributed computing environments." The Official Action then asserts that Schuller makes up for the remaining deficiency by its general disclosure in column 6, lines 16-23 of the use of dedicated database servers. Based upon these assertions, the Official Action concludes that it would have been obvious to include a database server in Holbrook et al. to reject Claim 1.

The Official Notice is traversed. In addition, the proposed modification would still fail to disclose the present invention as claimed in independent Claim 1. More particularly, for instance, the proposed modification would still fail to disclose storing the 'component arrangement information' in a physically separate database from the 'drawing-functional component diagram.'

Further, the Holbrook et al. disclosure of using a distributed computing environment is little to nothing more than teaching that the World Wide Web may be used to implement

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App. Ser. No.: 10/840,221

the invention of Holbrook et al. However, the Official Action has failed to establish that using server 104 and database 106 on the World Wide Web would yield the present invention of independent Claim 1.

Also clear is that Holbrook et al. teaches away from the present invention. For instance, the proposed combination does not yield the storage of various parts of a drawing (i.e., 'component arrangement information' and 'drawing-functional component diagram') in physically separate databases. Rather, Holbrook et al. teaches storing the entirety of each previously drawn furniture item in the same location to accomplish the feature of clicking and dragging previously drawn items to configure a custom office. The Official Action has therefore failed to demonstrate that the proposed modification of Holbrook et al. would provide separately storing 'component arrangement information' from the claimed 'drawing-functional diagram.' In addition, the Official Action has failed to establish that modifying Holbrook et al. (to include the features of independent Claim 1) would have been obvious to one of ordinary skill in the art.

With further reference to Schuller, the Official Action asserts that it is well known for database systems to be implemented by a number of physically separate database systems as taught by Schuller (column 6, lines 16-23). The Official Action then asserts that it would have been obvious to one of ordinary skill in the art to store the 'drawing-functional component diagram' in a 'component diagram database' so that the 'drawing-functional component diagram' is stored in a physically-separate database from the 'component arrangement information' for the obvious advantage of storing data conveniently to where it is created or obtained, for keeping data securely in the possession of its owners, or a simply a

PATENT

Atty Docket No.: 200308756-02

App. Ser. No.: 10/840,221

valid design choice among several. The Applicants respectfully submit that the Official Action is in error for at least the following reasons.

The Official Action interprets independent Claim 1 to encompass a scope in which the 'component arrangement information' and 'drawing-functional component diagram' are created or obtained at different locations. However, the specification at paragraph [0019] discloses:

In accordance with one aspect of the present invention . . . component arrangement information [is] supplied . . . by the merchandise information provider terminal [and] the drawing-functional component diagram [is] entered via the merchandise information provider terminal.

Therefore, the Applicants' Specification discloses that the 'component arrangement information' and the 'drawing-functional diagram' are obtained at the same location – the location of the merchant terminal. First, it appears that the merchant creates the 'component arrangement information' and 'drawing-functional component diagram' pertaining to the merchant Paragraph [0019]. Next, it appears that the merchant – an external entity – (see, e.g., paragraph [0050] and Table 1) provides "the 'component arrangement information' and 'drawing-functional component diagram' to the internal entity. Third, it appears that the internal entity stores the 'component arrangement information' and 'drawing-functional component diagram' in physically separate locations. For these reasons, it appears that the Specification discloses that the claimed 'component arrangement information' and 'drawing-function component diagram' are: (1) not created separately; (2) not obtained separately; and, (4) not stored with the owner (i.e., not stored with the merchant.) Therefore, the Official Action asserts motives that require interpretations of 'component arrangement information' and 'drawing-functional component diagram' which are in contradiction with the Applicants' Specification. Because, however, MPEP §2111, Rev 6, Sept. 2007 requires that a claim

PATENT

Atty Docket No.: 200308756-02

App. Scr. No.: 10/840,221

interpretation must be consistent with its Specification, it is clear that these particular motives are unavailing.

The Official Action also asserts that it would have been a 'valid design choice among several' to store the 'component arrangement information' and the 'drawing-function component diagram' in physically separate locations. This motive is invalid. Proper rationales for determining obviousness are set forth as Items (A)-(G) in the above discussion of KSR International Co. v. Teleflex Inc. A "valid design choice among several" is not necessarily one of these rationales. Further, the Official Action failed to articulate a predictable solution, a design incentive, a market force, some work in another field of endeavor, a teaching, a suggestion, or any other motive that would yield the present invention. Instead, the only articulated basis for obviousness is to store data where it is created together, obtained together, and/or despite being kept not in possession of the owner. For at least these reasons, the articulated motive of 'design choice among several' is an invalid choice among several.

Accordingly, the proposed modification of Holbrook et al., based on Schuller and the Official Notice, fails to yield all of the features of independent Claim 1; therefore, a *prima facie* case of obviousness has not been established under 35 U.S.C. § 103. The Examiner is therefore respectfully requested to withdraw the rejection of independent Claim 1 and to allow the claim.

Claims 2-8, 12, 14, 15, and 18

Claim 2-8, 12, 14, 15, and 18 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2003/0172003 to

PATENT

Atty Docket No.: 200308756-02
App. Ser. No.: 10/840,221

Holbrook et al. in view of U.S. Patent 6,882,980 to Schuller, and the Microsoft Press Computer Dictionary. This rejection is respectfully traversed for at least the following reasons.

Independent Claim 2 of the present invention, as amended, pertains to a method of drawing of a system in which a 'plurality of components' are combined based on 'component diagram data' stored on a 'component diagram database' using a 'computer,' 'volatile memory,' and a 'processor.' In this method, 'component arrangement information' is received from a 'component arrangement information and estimate information database,' where the 'component diagram database' comprises a physically separate database from the 'component arrangement information and estimate information database.' In addition, 'a drawing object' of the system is generated by the 'processor' as a 'bitmap object' and a stored in 'volatile memory.' Furthermore, independent Claim 2 has been amended to include that the 'component arrangement information' comprises "coordinates of a component of the plurality of components, the size and scale of the components of the drawing, an image frame, and a dimensional line." Support can be found in the originally filed dependent Claim 6 and in paragraph [0023] of the published Specification. Similarly, independent Claim 2 has been amended such that the 'component diagram data' comprises an "arrangement of components, drawing of dimension lines, and [an] arrangement of image frames in the drawing." Support can be found, for instance, in paragraphs [0050], [0051], and [0058] of the published Specification.

Independent Claim 12 pertains to a drawing of a system that is drawn by an operation similar to the method recited in independent Claim 2.

PATENT

Atty Docket No.: 200308756-02

App. Ser. No.: 10/840,221

'Independent Claim 14 pertains to a 'computer program product' stored on a 'computer readable storage medium' for enabling a 'computer' having a 'volatile memory' and a 'processor' to draw a drawing of a system in which a 'plurality of components' are combined with each other based on 'component diagram data' stored on a 'component diagram database.' The 'computer program product' is configured to cause a 'computer' to receive 'component arrangement information' used to draw the drawing from the 'component arrangement information and estimate information database,' where the 'component diagram database' comprises a physically separate database from the 'component arrangement information and estimate information database.' In addition, the 'processor' of the 'computer' produces a 'drawing object' of the system based on the received 'component arrangement information' and the 'component drawing data' as a 'bitmap object' and the 'bit map object' is stored in the 'volatile memory.' Furthermore, independent Claim 14 has been amended to include that the 'component arrangement information' comprises "coordinates of a component of the plurality of components, the size and scale of the components of the drawing, an image frame, and a dimensional line." Support can be found in the originally filed dependent Claim 6 and in paragraph [0023] of the published Specification. Similarly, independent Claim 14 has been amended such that the 'component diagram data' comprises an "arrangement of components, drawing of dimension lines, and [an] arrangement of image frames in the drawing." Support can be found, for instance, in paragraphs [0050], [0051], and [0058] of the published Specification.

For reasons discussed already with respect to independent Claim 1, the proposed combination of Holbrook et al. and Schuller, fails to yield all of the claimed features. In addition, the Official Action relies merely upon the definitions of the terms 'bit map' and

PATENTAtty Docket No.: 200308756-02
App. Ser. No.: 10/840,221

'volatile memory' as found in the Microsoft Press Computer Dictionary in an attempt to overcome these deficiencies. Therefore, the Official Action has not and cannot reasonably rely upon these definitions alone to make up for the deficiencies in Holbrook et al. and Schuller discussed above. As such, even assuming for the sake of argument that Holbrook et al. and Schuller could somehow be modified based upon these definitions, the proposed modification would still fail to yield the present invention as claimed in independent Claims 2, 12, and 14.

In addition, the Official Action suggests that it would be proper to rely on non-cited portions of the Microsoft Press Computer Dictionary and still assert the "same" grounds of rejection. This is improper. A new grounds of rejection is when the basic thrust of the rejection does not remain the same such that the Applicants have not been given a fair opportunity to react to the rejection. See MPEP § 1207.03, citing *In re Kronig*, 539 F.2d 1300, 102-03 (CCPA 1976).

The Official Action asserts further that independent Claim 12 "would be unpatentable in any event, because system drawings are known, and the content of printed matter will not distinguish the claimed product from the prior art. See *In re Ngai*, 367 F.3d 1336, 1339 (Fed. Cir. 2004) (Italics are in the original). First, the features of the Applicants' claimed drawings appear not to be known for reasons discussed already. Second, it is noted that independent Claim 12 was not rejected under 35 USC § 101. Third, *Ngai* is inapposite. In *Ngai*, the court held that printed matter must be considered when analyzing whether a claim (which recites printed matter) is patentable. Similar to *Lowry* and *Warmerdam*, *Ngai* actually stands for the proposition that printed matter is statutory subject matter when the printed matter is functionally related to a substrate. Contrary to the Official Action, *Ngai* stands for the

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CENTRAL FAX CENTER

APR 30 2008

PATENT

Atty Docket No.: 200308756-02
App. Ser. No.: 10/840,221

proposition that printed matter alone may render a claim patentable. Printed matter may be patented in two situations. First, printed matter may be patented when it is functionally-related to a substrate. Second, printed matter may be patented when claimed with otherwise patentable subject matter whether or not the printed matter is functionally-related to a substrate. Here, the Official Action does not articulate a basis for alleging that the claimed drawings are not functionally-related to a substrate. Moreover, the Official Action is unavailing; it fails to establish a *prima facie* case of obvious for other-wise patentable subject matter. In any event, it appears that the Applicants' drawings are functionally related to at least the volatile memory in which they are stored. Furthermore, it appears that the Applicants' drawings are functionally related to the (stored) data that is used as the basis for drawing the drawings. Again, please, see MPEP § 2106.01, Rev. 6, Sept. 2007.

In addition, Ngai is distinguishable. In Ngai, the patent Applicants had already obtained a patent claiming an RNA kit with instructions. Later, the Patentees filed another patent application that claimed the same kit with different instructions. The different instructions, however, merely accompanied the kit. Citing In re Gulack, 703, F.3d 1381, 1386 (Fed. Cir. 1983), the court applied the applicable principle, "[the] critical question [was] whether there [existed] any new and unobvious functional relationship between the printed matter and the [already patented] substrate." The court held that the different instructions were not functionally related to the kit (substrate). The Patentees were not entitled to a second patent. Unlike Ngai, the Official Action does not identify a patent in which Applicants' invention is already covered.

Also, dependent Claims 3, 7, 12, 15, and 18 would not have been obvious at least by virtue of the fact that they depend upon non-obvious independent claims.

PATENT

Atty Docket No.: 200308756-02

App. Scr. No.: 10/840,221

Accordingly, the proposed modification of Holbrook et al., based upon the cited-
portions of the Microsoft Press Computer Dictionary and Schuller, fails to yield all of the
features of independent Claims 2, 12, and 14; therefore, a *prima facie* case of obviousness has
not been established under 35 U.S.C. § 103. The Examiner is therefore respectfully requested
to withdraw the rejection of Claims 2, 3, 7, 12, 14, 15, and 18 and to allow these claims.

Dependent Claim 4 has been rejected under 35 USC § 103(a) as allegedly being
unpatentable over Holbrook et al, Schuller, and the Microsoft Press Computer Dictionary, as
applied to dependent Claim 3, and further in view of an Official Notice. Dependent Claim 4
is clearly non-obvious at least by virtue of the fact that it depends upon non-obvious claims,
as demonstrated above. In addition, the Official Notice is traversed. It would not have been
obvious to transmit the particularly claimed bitmap by streaming.

Accordingly, the proposed modification of Holbrook et al., based on Schuller, cited-
portions of the Microsoft Press Computer Dictionary, and the Official Notice, fails to yield all
of the features of dependent Claim 4; therefore, a *prima facie* case of obviousness has not
been established under 35 U.S.C. § 103. The Examiner is therefore respectfully requested to
withdraw the rejection of dependent Claim 4 and to allow this claim.

Dependent Claim 8 has been rejected under 35 USC § 103(a) as allegedly being
unpatentable over Holbrook et al, Schuller, and the Microsoft Press Computer Dictionary, as
applied to independent Claim 2, and further in view of an Official Notice. Dependent Claim
8 is clearly non-obvious at least by virtue of the fact that it depends upon non-obvious claims
for reasons already discussed. In addition, the Official Notice is traversed. It has not been
obvious since the Renaissance to display the particularly claimed drawings.

PATENT

Atty Docket No.: 200308756-02

App. Ser. No.: 10/840,221

Accordingly, the proposed modification of Holbrook et al., based on Schuller, the Microsoft Press Computer Dictionary, and the Official Notice, fails to yield all of the features dependent Claim 8; therefore, a *prima facie* case of obviousness has not been established under 35 U.S.C. § 103. The Examiner is therefore respectfully requested to withdraw the rejection of dependent Claim 8 and to allow this claim.

Claims 9-11, 13, 16, 17, and 19

Claims 9, 10, 13, 16, 17, and 19 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2003/0172003 to Holbrook et al. in view of U.S. Patent 6,882,980 to Schuller, and relied upon portions of the Microsoft Press Computer Dictionary. This rejection is respectfully traversed for at least the following reasons.

Independent Claim 9 of the present invention, as amended, pertains to a method of forming a 'written estimate' of a system in which a 'plurality of components' are combined based on 'component diagram data' stored on a 'component diagram database' and 'price data' having 'price information' of the respective components stored on a 'component arrangement information and estimate information database.' In the method, 'component arrangement information' and 'price data' are received from a 'component arrangement information and estimate information database.' The 'component diagram database' comprises a physically separate database from the 'component arrangement information and estimate information database.' In addition, a 'drawing object' of the system is generated as a 'bitmap object' based on the received 'component arrangement information' and the 'component diagram data' and then the 'bitmap object' is stored in 'volatile memory.'

PATENT

Atty Docket No.: 200308756-02

App. Ser. No.: 10/840,221

Furthermore, 'estimate information' is generated based on the 'received component arrangement information' and the 'price data.' Furthermore, independent Claim 9 has been amended to include that the claimed 'component arrangement information' comprises "coordinates of a component of the plurality of components, the size and scale of the components of the drawing, an image frame, and a dimensional line." Support can be found in the originally filed dependent Claim 6 and in paragraph [0023] of the published Specification. Similarly, independent Claim 9 has been amended such that the 'drawing-function-component diagram' comprises an "arrangement of components, drawing of dimension lines, and [an] arrangement of image frames in the drawing." Support can be found, for instance, in paragraphs [0050], [0051], and [0058] of the published Specification.

Independent Claim 13, as amended, pertains to a forming 'written estimate' of a system and a 'bitmap object' similar the method recited in independent Claim 9.

Independent Claim 16, as amended, pertains to a 'computer readable storage medium' on which is stored a 'data structure' used to display a 'written estimate' of a system of a configuration which has been drawn. The 'data structure' includes 'drawing information' of the system used to generate a 'bitmap object' based on 'component arrangement information' and 'component diagram data' which has been stored on the 'component diagram database.' The 'data structure' also includes 'cost estimate information' of the system which has been generated based on the 'component arrangement information' and 'price data' which has been stored on the 'component arrangement information and estimate information database,' where the 'component arrangement information and estimate information database' comprises a physically separate database from the 'component diagram database.' Furthermore, independent Claim 16 has been amended to include that the 'component

PATENTAtty Docket No.: 200308756-02
App. Ser. No.: 10/840,221

arrangement information' comprises "coordinates of a component of the plurality of components, the size and scale of the components of the drawing, an image frame, and a dimensional line." Support can be found in the originally filed dependent Claim 6 and in paragraph [0023] of the published Specification. Similarly, independent Claim 16 has been amended such that the 'component diagram data' comprises an "arrangement of components, drawing of dimension lines, and [an] arrangement of image frames in the drawing." Support can be found, for instance, in paragraphs [0050], [0051], and [0058] of the published Specification.

Independent Claim 17, as amended, pertains to a 'computer readable storage medium' on which is stored a 'data structure' used to display a 'written estimate' of a system on a 'terminal apparatus,' said 'data structure' being in a 'computer.' 'Drawing information' of the system includes a 'bitmap object,' a 'component configuration' which itself is based on 'component diagram data,' 'price data,' and 'component arrangement information.' A 'component diagram database' stores the 'component diagram data' and the 'component diagram data' comprises an 'arrangement of components,' a 'drawing of dimension lines,' and an 'arrangement of image frames.' The 'component arrangement information and estimate information database' stores the 'price data' and the 'component arrangement information.' Further, the 'component arrangement information' comprises 'coordinates of a component of a drawing,' a 'size and scale of a component,' an 'image frame,' and a 'dimensional line.' In addition, the 'component diagram database' comprises a physically separate database from the 'component arrangement information and estimate information database.' Finally, 'cost estimate information' of the system includes 'costs' of the 'component configuration' and the 'price data.'

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CENTRAL FAX CENTER

APR 30 2008

PATENT

Atty Docket No.: 200308756-02
App. Ser. No.: 10/840,221

For reasons discussed already with respect to Claim 1, the proposed modification of Holbrook et al., with Schuller and cited portions of the Microsoft Press Computer Dictionary, does not yield all of the claimed features. In addition, Ngai is both inapposite and distinguishable, as also discussed above. For instance, the claimed written estimate is clearly functionally-related to the volatile memory in which it is stored. Moreover, the claimed written estimate is clearly functionally-related to the stored 'component diagram data' and stored 'price data' *because* the claimed written estimate is based on the stored 'component diagram data' and the stored 'price data.'

Accordingly, the proposed modification of Holbrook et al., based upon Schuller and the Microsoft Press Computer Dictionary, fails to yield all of the features of independent Claims 9, 13, 16, and 17; therefore, a *prima facie* case of obviousness has not been established under 35 U.S.C. § 103. The Examiner is therefore respectfully requested to withdraw the rejection of Claims 9, 10, 13, 16, 17, and 19, and to allow these claims.

Claim 11 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2003/0172003 to Holbrook et al. in view of U.S. Patent 6,882,980 to Schuller, the Microsoft Press Computer Dictionary, and an Official Notice. This rejection is respectfully traversed for at least the following reasons. Dependent Claim 11 is clearly non-obvious at least by virtue of depending on a non-obvious independent claim. In addition, the Official Notice is traversed. It is not well known to save the particularly-claimed information. Accordingly, the proposed modification of Holbrook et al., based on Schuller and the Microsoft Press Computer Dictionary, and the Official Notice, fails to yield all of the features dependent Claim 11; therefore, a *prima facie* case of obviousness

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PATENTAtty Docket No.: 200308756-02
App. Ser. No.: 10/840,221

has not been established under 35 U.S.C. § 103. The Examiner is therefore respectfully requested to withdraw the rejection of dependent Claim 11 and to allow this claim.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.


Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: April 30, 2008

By


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